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Summary record of the 3137th meeting
Held at the at the Palais Wilson, Geneva, on Tuesday, 17 March 2015, at 10 a.m.

Chairperson: Mr. Salvioli

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Seventh periodic report of the Russian Federation (continued) (CCPR/C/RUS/7; CCPR/C/RUS/Q/7 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Russian Federation resumed places at the Committee table.*

2. **The Chairperson** invited the delegation to continue its replies to questions raised by the Committee at the previous meeting.

3. **Mr. Antonov** (Russian Federation) said that the death rate in the penitentiary system in the State party had seen a slight decrease in 2014, mainly owing to a reduction in the cases of tuberculosis. In that year, 118 cases of suicide and 7 murders had been reported. Investigations were conducted into all suicides and included an assessment of the psychological support that had been provided to the individual concerned and preventive measures taken.

4. **Mr. Unoshev** (Russian Federation) said that Nadiya Savchenko had been held in custody in conditions which complied with international standards. She had been transferred to a medical unit and was under constant medical observation since she had begun a hunger strike in December 2014. In February 2015 she had been examined by German doctors, who reported that her health and life were not at risk.

5. **Mr. Matyushkin** (Russian Federation) added that Ms. Savchenko was charged with the assassination of two Russian journalists and with unlawfully crossing the Russian border.

6. **Mr. Gaydov** (Russian Federation) said that a draft law to combat domestic violence was being prepared. Perpetrators of domestic violence were often not identified and cases had increased by over 20 per cent in the previous five years.

7. **Mr. Malenko** (Russian Federation) said that migrants in the Russian Federation came mainly from the Commonwealth of Independent States for reasons of employment. The immigration authorities increasingly used remote devices to assess migrants' status and employers were also required to carry out such checks on their employees.

8. **Mr. Ovchinnikov** (Russian Federation) said that the Government was tackling corruption within the immigration services, and that 300 persons had been charged and sentenced for that offence over the previous year.

9. **Mr. Matyushkin** (Russian Federation) said that, in addition to the relevant federal law, various domestic laws and jurisdictions were used to combat terrorism.

10. **Mr. Shany** asked which authority was responsible for monitoring the implementation of the Views of the Committee and whether the pending Views would be implemented. Had the Constitutional Court or other State body considered the opinion of the Venice Commission, which maintained that the law on propaganda on homosexuality did not comply with article 19 of the Covenant? What policies were in place to ensure that drug users in custody were provided with substitutes to provide relief from withdrawal symptoms? Were investigations and legal proceedings conducted with respect to allegations of human rights violations that occurred during the war between the Russian Federation and Georgia? In the light of the fact that in the past the State party had repealed legislation defining defamation as an offence, what were the grounds for drafting a new law to prohibit it? He wondered which activities were considered threats to State security; whether the State party had reflected on the 2014 opinion of the Venice Commission that Federal Act

No. 190-FZ on treason contained vague language and that certain aspects of it conflicted with article 19 of the Covenant; and whether there were plans, therefore, to review and amend that law.

11. Given that protection of freedom of expression in the Covenant and in general comment No. 24 covered expressions which could be regarded as deeply offensive, he expressed concern about the scope of such protection under Federal Act No. 136-FZ. What grounds were there for the prosecution and sentencing of the Pussy Riot musical group for hooliganism motivated by racial hatred and for the ban on criticizing the activities of the USSR during the Second World War? He asked what were considered extremist web pages, why websites providing news and blogs were blocked and what safeguards were in place to prevent the abusive application of Federal Act No. 398-FZ, which had reportedly been used to block websites.

12. He would like the delegation to comment on reports that the police did not take adequate measures to prevent attacks on persons protesting in defence of LGBT rights and itself used excessive force against those protestors; and on the report from the Ombudsman in 2012 on the lack of police protection for LGBT protestors in St. Petersburg. What acts carried out by demonstrators in Bolotnaya Square in May 2012 justified prison sentences of up to four and a half years and pretrial detention exceeding a year? Why were over a thousand people detained following a gathering in Moscow in March 2014 at the time of the announcement of the verdict in the Bolotnaya case? What were the reasons for the continual increase in sanctions for violating legislation on public events and assemblies? Would the delegation comment on the statement of the former Ombudsman in March 2014 condemning the practices employed by law enforcement agencies during public events?

13. He was concerned by cases of harassment of persons working in the media in Crimea and by reports that Ukrainian websites were being blocked or forced to shut down owing to more restrictive rules relating to media work. Did the delegation contest the report of the Council of Europe to the effect that the Crimean "Self-Defence" forces had been performing certain quasi-police functions and that, on a number of occasions, members of those forces had been reportedly implicated in cases of serious human rights violations? He would appreciate an explanation of the reasons for the short time limit in which Crimean residents were entitled to renounce their citizenship and why persons in places of detention and children in orphanages were excluded from this measure. What were the implications of the renunciation of citizenship on those working in the public service? How did Ukrainian citizens replace or renew their passports given the absence of Ukrainian authorities in the Peninsula? What were the reasons for banning the entry into Crimea for five years of certain Tatar leaders and why was access for some religious minority leaders also restricted? He would be grateful for further information on the dramatic fall in the number of Ukrainian language teachers and in the number of schools providing education in Ukrainian since the transfer of power in Crimea. What measures were in place to ensure access to education and culture in Ukrainian for the Ukrainian-speaking minority? Did the State party assume responsibility for the human rights situation in Donbass given its influence on the authorities of the surrounding regions?

14. **Sir Nigel Rodley** asked which legal provision in particular made certain kinds of evidence improper and unacceptable in a court of law. He expressed concern regarding access to services and guarantee of non-refoulement for persons pending deportation. What sentence had been imposed on the person found guilty of the death of Mr. S. Nazarov in Kazan? He was deeply concerned about reports that, in response to a complaint that three suspects detained for the killing of Boris Nemtsov had been tortured, the Investigative Committee of the Russian Federation had accused the source of the complaint of acting unlawfully. He asked who was committing the previously cited murders in penitentiary centres and what action was taken against the perpetrators. With regard to the crime of

terrorism, were any special rules in place on the use of force in detention and in terrorist situations or were all such issues covered by general law? Could the delegation specify at what point defence counsel had the right to be involved in criminal proceedings, since paragraph 90 of the replies to the list of issues stating that lawyers had that right "from the time that a suspect [was] effectively detained" was unclear? Had the Government considered publishing the Russian versions of the Committee's concluding observations on various ministry websites? Lastly, he would like further information on the process for the preparation of the report, including the sectors of civil society and range of organizations consulted.

15. **Mr. Bouzid** asked what the legal grounds were for the destruction of houses in Chechnya. Would the delegation please provide details on the current reform of the prison system, such as the budget that had been allocated and the results of the programme thus far? Had the amendments to legislation concerning pretrial detention entered into force and, if so, how were they enforced? Could the delegation comment on reports showing that violence committed by disciplinary authorities in prisons sometimes involved prisoners acting under the authority of warders and was increasing? What action was taken to provide support to prisoners whose health had deteriorated due to drug abuse in prison and prisoners with HIV/AIDS, and how was the issue of drug abuse in prisons addressed?

16. What measures were taken to counter trafficking in persons for purposes of sexual exploitation? Among the recent convictions for trafficking in persons, how many were for purposes of labour and how many for sexual exploitation? Had the State party set up support centres or taken measures to provide care for victims of trafficking? Lastly, what sentences had been handed down as a result of the cooperation programme with other States to combat trafficking in persons?

17. Turning to paragraph 24 of the list of issues (CCPR/C/RUS/Q/7), he asked for specific details on the measures that had been taken to protect human rights defenders and journalists and on the outcome of any investigations into attacks on those persons. He asked the delegation to provide details on cases concerning journalists who had been convicted for holding extremist views. Was the Government planning to clarify the legal definition of the term "treason" so as to ensure that journalists and human rights defenders were not obstructed in their work? He asked the delegation to comment on allegations that journalists working in the Northern Caucasus had been assassinated.

18. **Mr. Seetulsingh** asked the delegation to provide statistics on the representation of women in the State Duma and Federal Council, as requested in the list of issues. With reference to paragraph 107 of the State party's replies to the list of issues (CCPR/C/RUS/Q/7/Add.1), he requested more details concerning the public oversight commissions responsible for monitoring places of detention. In particular, he wished to know how many such commissions existed, whether they were adequately resourced and whether the State party would consider allowing them to make unannounced visits. Did the Government intend to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which provided for the establishment of visiting bodies for the prevention of torture?

19. Referring to paragraph 102 of the State party's replies to the list of issues, he asked how the planned compulsory work programme, which was an alternative to detention, would operate in practice. For example, would convicts be allowed to go home at night? Noting that several laws that were currently being enacted would restrict the operation of NGOs receiving foreign funding and engaging in political activities on the grounds that they were foreign agents, he asked the State party to clarify what was meant by the term "political activities" in that context and how that concept might be applied in practice. He would also like to know what was understood by the term "undesirable" as used in the draft law on undesirable organizations that was currently being considered by the Duma. He

would be interested to know the State party's position on a case that had been brought before the European Court of Human Rights by a number of Russian NGOs.

20. **Ms. Seibert-Fohr** asked what practical mechanisms were in place to ensure that judges were appointed and promoted in accordance with independent, impartial and transparent procedures. She wished to know how judges were disciplined and how many had been dismissed in recent years. She asked whether it was the case that disciplinary action could be based on the substance of judicial decision-making, for example acquittal rates. Were disciplinary sanctions subject to independent judicial review? She asked for details of the powers of court presidents, in particular with regard to their role in the promotion and disciplining of judges and case distribution. She would like to know whether a complaint mechanism was available to defendants that allowed them to challenge the impartiality of ex officio lawyers.

21. Referring to paragraph 123 of the State party's replies to the list of issues, she asked how the Prosecutor's Office's apparent ability to exercise considerable powers over the conduct of criminal proceedings could be reconciled with the principles enshrined in article 14 of the Covenant, for example the equality of arms. Noting that the Code of Criminal Procedure provided for simplified proceedings that did not require the full examination of cases in court hearings, she asked whether it was a fact that approximately one fifth of criminal cases were based on pretrial agreements. She wished to know what safeguards were in place to avoid excessive reliance on confessions. She asked the delegation to comment on reports that the jury selection process was subject to influence.

22. She asked whether any investigations into violence committed against defence lawyers — particularly those working in the North Caucasus — had led to prosecutions and convictions. What measures had been taken to protect lawyers from such attacks? Noting that the State party had so far failed to heed the Committee's repeated requests for it to amend the Federal Act on Combating Extremist Activity in order to clarify the definition of extremism, she asked whether it had any plans in that regard and, if so, what specific criteria it would establish to determine whether material was extremist. How did the State party ensure that the Act was not applied in such a way as to impose restrictions on the freedom of religion? What kind of extremist action by religious groups had been identified by the State party? She asked the delegation to confirm whether the Act was being implemented in Crimea. She invited the delegation to provide details on a 2014 amendment to the Criminal Code that reportedly made it an offence punishable by up to 5 years' imprisonment to publicly call for action aimed at violating the territory and integrity of the Russian Federation.

23. **Mr. Iwasawa**, referring to paragraph 28 of the Committee's previous concluding observations, asked the delegation to report on the impact on indigenous peoples of the measures mentioned therein. He also asked for details on the implementation in practice of Decree No. 132 of 4 February 2009 on the sustainable development of indigenous peoples in the North, Siberia and the Far East.

24. **Mr. de Frouville** asked the delegation to comment on reports that investigations into the murders of human rights defenders and journalists — in particular those concerning Anna Politkovskaya and Natalia Estemirova — were not likely to lead to the convictions of those responsible for ordering the killings. He would welcome further details, in writing if necessary, on the measures taken by the State party to investigate and prosecute acts of enforced disappearance and punish those responsible. He requested the State party to include information in its reply on cases arising in Chechnya and other regions and territories under its control. He would also like to have more details on the database of disappeared persons, including on measures to collect and preserve DNA samples. Were any formal procedures in place to enable family members of disappeared persons to participate fully in investigations? Noting that the State party had stated in paragraph 172 of

its replies to the list of issues that the investigative bodies in the Republic of Crimea and Sevastopol had not received any report about the disappearance of Mr. Korzh, he asked whether it was necessary to make an official complaint concerning a reported case of enforced disappearance in order for an investigation to be launched by the authorities. Lastly, he asked whether the State party intended to extend an invitation to the Working Group on Enforced or Involuntary Disappearances to visit the country and whether it planned to ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

25. **Mr. Vardzelashvili** asked whether the competent authorities were planning to review media coverage of the detention of suspects in high profile cases so as to ensure that the principle of presumption of innocence was fully respected. He invited the delegation to comment on reports that Mr. Oleg Sentsov, a Ukrainian filmmaker, had been illegally detained and ill-treated and that his defence counsel had been denied access to case materials. Referring to a recent resolution of the Committee of Ministers of the Council of Europe on the State party's failure to execute the judgement of the European Court of Human Rights in the case of *Catan and Others v. Moldova and Russia*, he asked the delegation to provide the Committee with up-to-date information on developments in relation to that case.

26. **The Chairperson**, speaking in his capacity as a member of the Committee, said that he would welcome confirmation by the State party that it would in future comply with any provisional measures requested by the Committee.

The meeting was suspended at 11.40 a.m. and resumed at noon.

27. **Ms. Gurgieva** (Russian Federation) said that lesbian, gay, bisexual and transgender (LGBT) persons were not discriminated against in any way and that they enjoyed the same rights as all other citizens, including the right of public assembly.

28. **Mr. Ovchinnikov** (Russian Federation) said that the police took active steps to protect the rights of the LGBT community. For example, at an event in St. Petersburg the police had intervened to uphold public order – not to disperse LGBT persons, as had been alleged by some media outlets. On another occasion, the police had evacuated LGBT persons by bus in order to protect them from violence by opponents.

29. **Mr. Matyushkin** (Russian Federation) said that recommendations made by the Committee were taken into account in the formulation of State policy, as evidenced in decisions of the Constitutional Court. No complaints had been received by the authorities regarding the violation of citizens' rights by military personnel involved in the conflict in South Ossetia. The State party's authorities were currently investigating allegations of offences committed by Georgian forces against citizens living in South Ossetia.

30. **Ms. Gluchenko**, replying to a question on defamation, said that, under the Criminal Code, it was an offence to knowingly spread false information that damaged the honour and reputation of others. The relevant provisions were fully in keeping with the Covenant and other international instruments to which the Russian Federation was party. Federal Act No. 136 amending article 148 of the Criminal Code established criminal responsibility for acts that insulted the religious beliefs of citizens. Federal Act No. 128 of 2014 established sanctions for socially dangerous acts consisting in the denial or approval of crimes established by the Nürnberg Tribunal.

31. **Mr. Matyushkin** (Russian Federation) said that, the previous day, a march had been held in Riga to pay tribute to Latvians who had fought in the Waffen-SS. The Government found the annual event unacceptable and took every opportunity to preserve historical memory and honour the sacrifices made by previous generations to free Europe from Nazism.

32. The amendments introduced through Federal Act No. 398-FZ of 28 December 2013 were in line with the provisions on freedom of expression contained in the Constitution and article 19, paragraph 3, of the Covenant. The Act required bloggers whose websites attracted more than 3,000 daily visitors to register their activities and prohibited them from using the Internet to, inter alia, incite terrorism or spread information about the private lives of other persons.

33. **Mr. Gaydov** (Russian Federation) said that, in its ruling of 14 February 2013, the Constitutional Court had recognized the need to adjust the minimum fines set out in the Code of Administrative Offences. Pending the required legislative amendments, courts had been ordered to reduce fines if necessary.

34. **Ms. Karavaeva** (Russian Federation) said that, since Crimea had acceded to the Russian Federation, a number of steps had been taken to facilitate its economic, legal and political integration. Courts continued to protect the rights and freedoms of Crimean residents, most of whom had been granted Russian citizenship, which could be acquired upon application and did not entail the loss of Ukrainian citizenship.

35. The Government was working to restore the rights of Crimean Tatars and other minority ethnic groups that had suffered historical injustices. In that connection, it had developed a programme for the socioeconomic development of Crimea and the federal city of Sevastopol that included measures to foster inter-ethnic harmony. In the Crimean parliamentary election that had been held in September 2014, a number of Crimean Tatars had been elected and the voter turnout had been over 50 per cent.

36. In contrast to Ukraine before it, the Russian Federation recognized Crimean Tatar as an official language in Crimea. It guaranteed free access to education and promoted the right to choose the preferred language of education, which was provided in all three official languages: Crimean Tatar, Russian and Ukrainian.

37. Up to 1 March 2015, media and other organizations in Crimea and Sevastopol had been able to follow a simplified procedure to bring their documentation into line with Russian legislation, and almost all had done so without having to cease operations. The Government had exempted media organizations from paying a registration fee. The Crimean Tatar television station ATR continued to broadcast despite not having yet been granted a Russian licence. No attempt had been made to close down the station, but video recordings had been confiscated from its archives to assist investigations into a fatal incident that had occurred during a meeting of the State Council of Crimea.

38. **Mr. Ovchinnikov** (Russian Federation) said that, under the Constitution, the rights and freedoms of citizens could be restricted by law only to the extent necessary to provide for the defence of statehood or protect the foundations of the constitutional order and the morals, rights and liberties of other persons. It was precisely to protect national security that certain individuals had been barred from entering the Russian Federation. With regard to cases of disappearance involving Crimean Tatars, all possible scenarios were being considered as part of ongoing investigations.

39. Article 16 of the Code of Criminal Procedure provided for the right of detainees to a defence. Under article 49, paragraph 3, of the Code, lawyers had the right to be involved in criminal proceedings from the time that the suspect was effectively deprived of freedom of movement. Evidence obtained in violation of those rights was deemed inadmissible. Detainees suffering from drug addiction were offered medical assistance, including medication to alleviate the adverse effects of deprivation.

40. **Mr. Matyushkin** (Russian Federation) said that it was strange to be asked questions about the Donbass region, which was in Ukraine. In any case, the Russian Federation supported the peace process that had been launched to end the armed conflict there.

41. The Government had introduced significant legislative amendments to facilitate communication between the European Court of Human Rights and complainants or their representatives and afforded additional guarantees to individuals placed under a deportation order.

42. In response to questions about specific cases, he said that the persons convicted of the murder of Sergei Nazarov had appealed their sentences. Zaur Dadaev had not filed a complaint against the Investigative Committee and did not know who had violated his rights. He had been able to exercise all his rights, including his right to a defence, and had been granted a meeting with members of the public oversight commission, enabling him to inform them of the alleged facts.

43. **Mr. Unoshev** (Russian Federation) said that the activities and membership of the public oversight commission, which had been operating since 2008, were regulated by law. The commission was free to conduct prison visits and had done so increasingly in recent years. Although it was required to notify the prison authorities, it could announce visits as little as 10 minutes beforehand. In recent months, it had spoken to both Zaur Dadaev and Nadiya Savchenko.

44. **Mr. Antonov** (Russian Federation) said that there had been an increase in the oversight of prisoners and the time dedicated to inmates by prison staff, including medical personnel. Although the total number of prison murders had decreased, there were still recent cases in which prison staff had been held criminally liable. Medical assistance was governed by an agreement concluded in 2005, under which prison staff had an obligation to respond to the needs of detainees suffering from acute illnesses.

45. **Mr. Matyushkin** (Russian Federation) said that prison facilities had been upgraded and the prison service reformed. Judges increasingly handed down non-custodial sentences and, at the pretrial stage, were given greater freedom to grant bail or order alternatives to imprisonment such as house arrest. The mandatory sentences for over 100 offences had been lowered, contributing to a reduction of around 20 per cent in the number of persons remanded in custody since 2014. Despite the fundamental changes introduced, there had been no noticeable rise in crime rates. Prison medical services had been placed under the direct responsibility of the Federal Penitentiary Service, which was able to give greater guarantees of the independence of doctors.

46. **Mr. Zimnenko** (Russian Federation) said that judicial qualification boards covering all types of court had been set up in every constituent entity of the country. There was a law on the status of judges that regulated their activities and provided for a broad range of disciplinary measures, including early termination of appointment. In 2014, 24 judges had been the subject of disciplinary proceedings.

47. In the case involving members of Pussy Riot, a sentence had been handed down on 17 August 2012 and reduced on appeal on 4 April 2014, when the Presidium of Moscow City Court had excluded the motive of hatred against a social group. The prosecution and the defence had the same procedural rights and there was no question of prosecutorial bias.

48. **Ms. Gurgieva** (Russian Federation) said that, of the 220,000 registered NGOs in the country, over 4,000 received foreign funding and 47 had been registered as foreign agents. The Government sought to ensure financial transparency and had no intention of curtailing the political activities of NGOs. In 2014, the President had issued a decree allocating 2 billion roubles to socially orientated NGOs, including human rights organizations such as the Moscow Helsinki Group. The Constitutional Court had ordered amendments to the Code of Administrative Offences in order to allow lower fines to be imposed on NGOs that failed to apply for inclusion in the register of foreign agents and to provide for possible exemptions from administrative liability for NGOs that received foreign funding and engaged in political activities.

49. **Mr. Ovchinnikov** (Russian Federation) said that several persons had been sentenced in connection with the murder of Anna Politkovskaya, including Lom-Ali Gaitukayev and Rustam Makhmudov, who had received life terms. A suspect had been identified in the killing of Natalya Estemirova and was sought by the authorities. Investigations into the murder of Akhmednabi Akhmednabiyev were ongoing. Attacks on journalists were not considered to be linked to their professional activities.

50. **Mr. Matyushkin** (Russian Federation) said that it was the sovereign right of the Russian Federation to decide whether or not to ratify the Second Optional Protocol and that the matter was being discussed by international legal experts. The Government complied with its obligations under the European Convention on Human Rights and monitored the implementation of judgements passed by the European Court of Human Rights. In the case of *Catan and Others v. Moldova and Russia*, however, it held that the decision of the Court contradicted the verdicts delivered by other international courts and was not in line with international legal doctrine.

51. **Ms. Jelic** asked what steps had been taken to: afford greater protection to the linguistic and religious identity of ethnic minorities; promote regional and minority languages, particularly in education; and combat the persistent problem of ethnic profiling. The delegation should also describe the implementation status of the strategy for the sustainable development of the numerically smaller peoples of the Russian North, Siberia, and the Far East.

52. **Ms. Cleveland**, in reference to paragraph 35 of the State party report (CCPR/C/RUS/7), asked what social groups were protected under article 63 of the Criminal Code.

53. **The Chairperson**, while thanking the delegation for the constructive dialogue, noted that several questions asked during the meeting had already been put to the State party during the consideration of its previous periodic report in 2009, indicating that more cooperation was required with regard to the implementation of the Committee's concluding observations.

The meeting rose at 1.05 p.m.